

## **UPDATED INFORMATIVE DIGEST**

Modifications were made to the originally proposed text since the initial 45-day comment period. Notice was provided for one 30-day comment period as well as two 15-day comment periods regarding these changes. A general description of changes is described below. Specific changes are addressed in the Final Statement of Reasons.

### **California Fire Code**

After the 45-day comment period, the 2010 California Fire Code, Title 24 of the California Code of Regulations, was revised and published as the 2013 California Fire Code. The proposed text accompanying the Notice of Proposed Rulemaking incorporated by reference several sections of the 2010 California Fire Code, as required by Public Resources Code (PRC) section 42820.

After the 45-day comment period, modifications were made to multiple sections of the originally proposed text to incorporate the revisions reflected in the 2013 California Fire Code. The proposed text was also amended to insert actual text from the 2013 California Fire Code into the proposed text. The Department's regulated community is not likely to be independently familiar with the requirements set forth in the California Fire Code, so the California Fire Code text was inserted into the proposed text in order ensure awareness by the regulated community of those requirements.

### **References to "Authorized Agent"**

Throughout the original proposed text multiple references were made to the "Department representative or authorized agent." These references were amended to "Department representative" to avoid redundancy and confusion.

### **Solid Waste Facility as Waste Tire Facility**

Section 17225.850 was amended to ensure the definition does not exceed the scope of the definition of Waste Tire Facility set forth in PRC section 42808. This section was amended to make clear that a waste tire facility does not include a permitted solid waste facility that receives for transfer or disposal less than 150 tires per day averaged over a 365-day period.

Section 18420 was amended to clarify when specific solid waste facilities are required to obtain a waste tire facility permit.

### **Tire Derived Product Handling**

Section 17359 was amended to make clear that material that needs to be further reduced in size cannot qualify as tire derived product. As explained in the Final Statement of Reasons, that material would then be a feedstock and not a product. This section was further amended to make clear that any material not meeting the requirements set forth in this section will be considered waste tires and be counted toward any waste tire total at the site.

### **Collection Location**

Sections 18420.1 and 18450(a)(8) were amended to add and define the term "collection location." Section 18420.1 was further amended to better describe the types of activities that may occur at a collection location.

**Facility Violations and Penalties**

Section 18429 was amended. A new table was added to specify penalties for specific violations related to financial assurances at major waste tire facilities.

**Permit Applications**

Section 18423 was amended to add and define the term “complete and correct.” This term provides a standard by which the Department can evaluate the information submitted by an applicant for a waste tire facility permit. This term then replaced the undefined term “complete” in the current text in multiple sections.

Multiple Waste Tire Facility Application Forms, located in Appendix A, and a part of this rulemaking package, were amended to reflect the changes to the 2013 California Fire Code and updated to reflect current Departmental practice.

**Removal of Tire Material From Discontinued Waste Tire Facilities**

Multiple sections of the originally proposed text required a person responsible for discontinuing or dismantling waste tire facilities, including excluded or exempt facilities, to dispose of waste or used tire material. These sections were amended to require the facilities to properly remove tire material to an authorized facility; this reflects that in some instances the tire material may be able to be recycled, processed, or reused and not merely disposed of.

**Beneficial Reuse**

Section 18431.3 was amended for ease of use by modifying the format of specific requirements, so that those requirements appear as separate distinct subsections and not as one paragraph of multiple requirements within one subsection.